

S E C R E T

28 June 1971

MEMORANDUM FOR: EA/DDP

SUBJECT: House Resolution 79

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1. I have polled [REDACTED] C/FE, C/NE, C/SB, [REDACTED], [REDACTED] in order to formulate the CS coordinated view on reference.

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2. In order to give you the full flavor of their responses, I am attaching a copy of the written commentary provided me by each of the addressees of my query.

3. What is not answered in these comments is the question whether or not any activity falling within the sense of the House Resolution is now in progress or is planned within the area of jurisdiction of the addressees. I have covered this telephonically, and have been assured that there is none.

4. In summary then, the CS consolidated position would be:

(a) Support to the DoD proposed version of the House Resolution, (except for a somewhat expanded version prepared by [REDACTED])

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(b) no activities are conducted by the CS now or planned for the future that fall within the sense of the House Resolution and,

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(c) [REDACTED] knows of no operations coordinated with us under DCID 5/1 within the sense of H.R. 79.

[REDACTED]
Acting Chief
Foreign Intelligence

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Attachments

S E C R E T

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	AC/PI		
2			
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<input type="checkbox"/> ACTION	<input type="checkbox"/> DIRECT REPLY	<input type="checkbox"/> PREPARE REPLY
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:

██████ knows of no military intelligence missions involving airplanes which involve the F-1 Staff although ██████ would be more informed. At present we know of no U.S. ships engaged in coordinated clandestine intelligence collection.



FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
██	6/18

<input type="checkbox"/> UNCLASSIFIED	<input type="checkbox"/> CONFIDENTIAL	<input checked="" type="checkbox"/> SECRET
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SECRET

23 JUN
1971

MEMORANDUM FOR: Acting Chief, Foreign Intelligence Staff
SUBJECT: Proposed House Resolution 79
REFERENCE: Acting Chief, Foreign Intelligence Staff
Memorandum, same subject, dated 22 June 1971

1. The wording contained in the attached Department of Defense memorandum is clearly preferable to that of HR 79. The DOD's proposed amendment states:

"That it is the sense of Congress that no manned ship or plane of the Armed Forces of the United States should be sent on a peacetime intelligence gathering mission without appropriate measures to minimize the risk and effects of attack by foreign armed forces."

This wording is far more appropriate to intelligence collection missions of this nature in the Near East and South Asia area than is that of the Concurrent Resolution of H. CON. RES. 79. For example, a manned

[REDACTED]

Moreover the intrusion into [REDACTED] air space by an armed escort sufficient to neutralize the enemy's air defense capability is an overt act of war and as such presents a much higher risk than does a penetration by a single unarmed reconnaissance plane. For these reasons I prefer the wording of the DOD version.

[REDACTED]

Chief, Near East and
South Asia Division

1 Attachment:

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23 JUN 1971

MEMORANDUM FOR: Acting Chief, Foreign Intelligence

SUBJECT: Proposed House Resolution 79

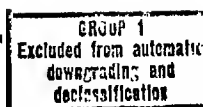
The Far East Division favors the amended resolution as proposed by the Department of Defense. This proposal keeps the door open for action while acknowledging the need for appropriate measures to minimize the risks inherent in carrying such missions. We feel the proposed House Resolution 79 is too restrictive and would be difficult to comply with under most conditions.



Chief, Far East Division

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22 June 1971

MEMORANDUM FOR: Acting Chief
Foreign Intelligence Staff


SUBJECT: Proposed House Resolution 79

REFERENCE: Memorandum, dated 22 June 1971,
Subject as above

1. The Soviet Bloc Division is not directly involved and not likely to be directly involved in intelligence collection of the type referred to in this Resolution.

2. The proposed Resolution would appear to be undesirably limiting in that it might prevent the benefits of surprise, and therefore the Resolution as amended by the Department of Defense proposal would appear to be preferable.

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Deputy Chief
Soviet Bloc Division

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24 June 1971

MEMORANDUM FOR: Acting Chief, FI Staff

SUBJECT : Proposed House Resolution 79

REFERENCE : Your memorandum, same subject, 22 June 1971

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 reactions to the House and DoD versions of a proposed resolution are as follows:

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2. Of the two proposed resolutions, I prefer the House version. At least it has the virtue of implying the right of the U.S. Government to collect intelligence and of asserting the determination of the U.S. Government to protect such missions (assuming they do not violate foreign sea and air sovereignties). The trouble with the DoD version, in my opinion, is that it implies that the U.S. Government will do its best to protect such intelligence missions but ~~probably won't be successful~~. It is, thus, an admission of vulnerability and an

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invitation to our enemies to continue to shoot up (or down) our ships and aircraft.

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[REDACTED]

3. However, an argument on the other side is, if the House resolution makes it mandatory that missions will have adequate protection against attack or capture, such categoric assurance is virtually impossible on the high seas where a foreign power chooses to flaunt the general law of the sea. Such wording would preclude Defense in taking the least risk in mounting an intelligence mission. The importance of the intelligence returns is often worth some risk--a "calculated" risk which can be made by the Defense establishment. On balance, I would favor the Defense draft which provides some flexibility to measure risks vs gains and would, I am certain, assure that all possible protection was being given an intelligence gathering mission.

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24 JUN 1971


MEMORANDUM FOR: Acting Chief, Foreign Intelligence

SUBJECT: Proposed House Resolution 79

REFERENCE: AC/FI Memo, Same Subject, dated
22 June 1971

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1. The following is our suggested wording in regard to
H. Con. Res. 79. 

"That it is the sense of Congress that no U. S.
military ship or aircraft crewed by members of
the Armed Forces of the United States should be
sent on a peacetime intelligence gathering mission
without appropriate measures to minimize the risk
and effects of attack or seizure by foreign armed
forces."

2. It is suggested, also, that in proposing this change
of wording we seek to arrive at an understanding with the
Committee on Armed Services that nothing in this resolution
is considered to restrict the Central Intelligence Agency in the
performance of its intelligence gathering missions under the
National Security Acts of 1947 as amended.

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Excluded from automatic
downgrading and
declassification

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Acting Chief, Foreign Intelligence

EXTENSION

NO.

OLC 71-00009

DATE

28 June 1971

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

EA/DDP

28 JUN 1971

Deadline - 28 June

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2.

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3.

OLC

The attached is self-explanatory. No call if you need any more.

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